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5 Attorney for Defendant

6 **EARL SIMS**

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO**

11 **UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **v.**

14 **EARL SIMS,**

15 **Defendant.**

) **CASE NO.: CR-08-0443-MMC**

) **STIPULATION AND ORDER TO**

) **CONTINUE ~~CASE MANAGEMENT~~**

) **~~CONFERENCE~~ CHANGE OF PLEA/TRIAL**

) **SETTING**

) Date: August 5, 2009

) Time: 2:30 p.m.

) Place: Courtroom of Maxine M. Chesney,

) U.S. District Court Judge

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19 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES THAT** the change  
20 of plea/trial setting for defendant Earl Sims be continued from August 5, 2009 at 2:30 p.m. until  
21 August 12, 2009 at 2:30 p.m. Defense counsel will be out of the state on a pre-paid family vacation.

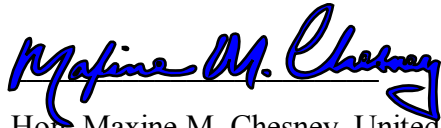
22 The parties further stipulate time be excluded from August 5, 2009 to August 12, 2009  
23 pursuant to 18 U.S.C. 3161(h)(7)(A) and (B)(iv) for continuity of counsel.

24 DATED: July 27, 2009

25 s/ Alex R. Kessel

26 s/ Owen Martikan

1 **IT IS HEREBY ORDERED** this matter is set for August 12, 2009. **IT IS FURTHER ORDERED**  
2 that time is excluded per the stipulation and to serve the ends of justice.

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5 Hon. Maxine M. Chesney, United States District Court Judge

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July 28, 2009